

Notice of Allowability

Application No.

10/821,979

Examiner

Jared J. Fureman

Applicant(s)

OHYA ET AL.

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 04/2004 & 07/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date ____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

DETAILED ACTION

Receipt is acknowledged of the IDS, on 4/12/2004, and the IDS, on 7/15/2004, both of which have been entered in the file. Claims 1-18 are pending.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Allowable Subject Matter

2. Claims 1-18 have been allowed over the prior art of record.
3. The following is an examiner's statement of reasons for allowance:

The prior art of record, taken alone or in combination, fails to teach or fairly suggest (re claim 1) an IC card comprising OS applicability determining means for determining whether or not a first data transfer method corresponding to a currently employed OS out of said plurality of data transfer methods accords with a second data transfer method determined by said transfer method determining means, and OS switching means for switching said currently employed OS to another OS out of said plurality of OSs when said OS applicability determining means determines that said first data transfer method does not accord with said second data transfer method; and (re claim 16) an OS activation method for an IC card comprising as OS applicability determining step of determining whether or not a first data transfer method out of said plurality of data transfer methods corresponding to said OS activated in the OS activating step accords with a second data transfer method determined in the transfer method determining step, and an OS switching step of switching said OS activated in

the OS activating step to another OS out of said plurality of OSs when it is determined that said first data transfer method does not accord with said second data transfer method in the OS applicability determining step; in combination with the other claimed limitations as set forth in the claims.

Krygier et al (US 2004/0164170 A1) teaches an IC card that selects between protocol units (20 and 30) based on a signal or other indicator of the protocol used by an external application (see abstract). While Krygier et al teaches switching between MMC mode and ISO 7816 mode (see figures 6 and 7), Krygier et al fails to specifically teach the claimed OS applicability determining means or step and the OS switching means or step operating in response to the OS applicability determining means or step, as set forth in claims 1 and 16 of the present application. Furthermore, the OS applicability determining means or step and the OS switching means or step are not believed to be inherent in Krygier et al.

Takai (JP 2002-373317A) teaches an IC card capable of switching operating systems through the use of an optical sensor. However, Takai also fails to teach or fairly suggest an OS applicability determining means or step and the OS switching means or step as recited in the present invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Krygier et al (US 2004/0164170 A1) and Taka (JP 2002-373317 A) have been discussed above. Richards (US 6,164,549), Tanabiki et al (US 6,834,799) and Nishizawa et al (US 6,669,487) and Makino (JP 2002/366914 A) all teach IC cards having multiple applications and/or operating systems.

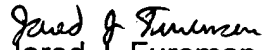
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571) 272-2391. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jared J. Fureman
Primary Examiner
Art Unit 2876

November 28, 2005